

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

|   |   |                          |
|---|---|--------------------------|
| Anthony G. Bryant,                        | ) |                          |
|   | ) | C/A No. 2:18-2593-MBS    |
| Plaintiff,                                | ) |                          |
|   | ) |                          |
| vs.                                       | ) |                          |
|   | ) | <b>ORDER AND OPINION</b> |
| United States Department of the Interior, | ) |                          |
| United States Marshal, and Attorney       | ) |                          |
| General of the United States,             | ) |                          |
|   | ) |                          |
| Defendants.                               | ) |                          |
| _____                                     | ) |                          |

Plaintiff Anthony G. Bryant, a nonprisoner proceeding pro se and in forma pauperis, filed a complaint on September 24, 2018. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Mary Gordon Baker for pretrial handling.

The Magistrate Judge reviewed the allegations of the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) and the court's inherent authority to dismiss frivolous cases. The Magistrate Judge observed that the allegations of the complaint are nonsensical and incoherent, and that (1) Plaintiff fails to state a claim upon which relief can be granted; (2) the complaint lacks any arguable basis in law or in fact, and therefore is frivolous; (3) the allegations are so disconnected and incoherent that it appears subject matter jurisdiction is lacking; (4) Plaintiff's claims against Defendants Department of the Interior, United States Marshal, and Attorney General of the United States are barred by the doctrine of sovereign immunity; and (5) Plaintiff's claims against Defendant Attorney General of the United States are barred by prosecutorial immunity. Thus, the Magistrate Judge filed a Report and Recommendation on October 9, 2018, recommending that Plaintiff's complaint be summarily

dismissed. The Magistrate Judge also recommended that the court issue a pre-filing injunction pursuant to Graham v. Riddle, 554 F.2d 133, 134-35 & n.\* (4<sup>th</sup> Cir. 1977), because of Plaintiff's filing of numerous frivolous complaints. Plaintiff filed objections to the Report and Recommendation on October 10, 2018, October 12, 2018, October 15, 2018, and October 19, 2018.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id. This court is obligated to conduct a de novo review of every portion of the Magistrate Judge's report to which objections have been filed. Id. However, the district court need not conduct a de novo review when a party makes only general and conclusory objections that do not direct the court to a specific error in the Magistrate Judge's proposed findings and recommendations. Orpiano v. Johnson, 687 F.2d 44, 47-48 (4<sup>th</sup> Cir. 1982).

In this case, Plaintiff's objections are, like his complaint, not comprehensible. In the court's view, the objections do not direct the court to a specific error in the Magistrate Judge's Report and Recommendation. Nevertheless, the court has thoroughly reviewed the record. The court concurs in the Report and Recommendation and incorporates it herein by reference. Plaintiff's complaint is summarily dismissed without prejudice, and without issuance and service of process.

Plaintiff is now subject to a pre-filing injunction pursuant to Graham v. Riddle, 554 F.2d 133, 134-35 & n.\* (4<sup>th</sup> Cir. 1977). **PLAINTIFF IS CAUTIONED THAT FUTURE FRIVOLOUS ACTIONS ARE SUBJECT TO SUMMARY DISMISSAL PURSUANT TO THE COURT'S**

**RIDDLE ORDER, AND HIS CONTINUING TO FILE FRIVOLOUS COMPLAINTS  
COULD SUBJECT HIM TO SANCTIONS, SUCH AS THE DENIAL OF IN FORMA  
PAUPERIS STATUS.**

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
Senior United States District Judge

Columbia, South Carolina

October 19, 2018